vss

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.4138 OF 2007

M.S.R.T.C. ... Petitioner

V/s.

S.D. Salunkhe ... Respondent

Mr.G.S. Hegde for Petitioner

CORAM: **SMT.NISHITA MHATRE, J.**

DATED: **JULY 17, 2007**

P.C.:

. The Petition seeks to challenge the order of the Labour Court and of the Industrial Court in Revision where both the Courts have held that the enquiry conducted against the respondent-workman was not in accordance with the principles of natural justice and fairplay. Both the Courts have found that 41 questions were asked by the enquiry officer to the witnesses. The Industrial Court has observed thus:

> "6. Here in this case as noted above the enquiry officer has asked 41 questions to the complainant and those question do not appear to be the questions asked in order to seek clarification and elucidation in the matter but they appear to have been asked to plug the loopholes in the enquiry. It also appears that

> the enquiry officer has not acted as a Judge but seems to have acted as a prosecutor. Therefore, the enquiry cannot be said to have been conducted in accordance with the principles of natural justice. The Labour Court has tightly held that the enquiry conducted against the complainant is alleged improper as against the principles of natural justice and findings recorded by the enquiry officer are perverse. ..."

2. In my view, therefore, there is no need to interfere with these findings of fact of both the Courts below.

3. Petition rejected.